

Leg. Prog.

February 21, 1997

Memorandum 97-5

1997 Legislative Program

This memorandum reviews the status of items in the Commission's 1997 legislative program.

The deadline for introduction of bills is February 28. Most, but not all, of our bills have been placed. The attached chart shows the current status of the bills that have been introduced so far. We will update the chart at the meeting.

This memorandum supplements the chart as to a few items.

SB 68 (Kopp) — administrative adjudication by quasi-public entities. We have received a number of communications concerning the scope of this bill. The staff believes we need to refine the draft to provide a more precise definition of "quasi-public entity". See the First Supplement to this memorandum for the staff-suggested language.

Also, if the Commission approves the administrative adjudication revision proposed in Memorandum 97-14 (telephone hearings), that provision arguably could be included this bill.

Real property covenants. Assemblyman Ackerman has agreed to author our two real property covenant proposals — repeal of the First Rule in Spencer's Case (Civil Code § 1464), and application of the Marketable Record Title Act to obsolete land use restrictions.

Ethical standards for administrative law judges. Senator Calderon is interested in authoring this measure.

Mediation confidentiality. The staff has been consulting with the mediation community on the best placement for this proposal. A few suggested amendments to the proposal are set out in the Second Supplement to this memorandum.

Attachment by undersecured creditors. We had sent the material on this measure to the State Bar for possible inclusion in a bill they are sponsoring, but

so far they have not placed the bill. We have sent our materials to Assemblyman Ackerman's office for review.

Tolling statute of limitation when defendant out of state. We had thought to start this proposal on the Assembly side this year on account of the opposition of the plaintiffs' bar last year in the Senate. The transfer of power in the Assembly this year has rendered our strategy problematic. The staff has talked to several knowledgeable people about the prospects for this proposal in the Assembly Judiciary Committee, but so far we have not been able to get a reading on it.

Given the political realities, the staff believes the Commission should consider revising its recommendation to make sense out of the statute, rather than to repeal it outright. We have all the relevant background on the statute, and it would be an easy matter to develop a realistic reform proposal.

Respectfully submitted,

Nathaniel Sterling
Executive Secretary

STATUS OF 1997 COMMISSION LEGISLATIVE PROGRAM
(as of February 21, 1997)

SB 68 (Kopp): Quasi-Public Entity Hearings
 SB 143 (Kopp): Unfair Competition Litigation
 SB 177 (Kopp): Best Evidence Rule

SB 209/261 (Kopp): Judicial Review of Agency Action
 SCR 3 (Kopp): Continuing Authority to Study Topics

Bill Status		SB 68	SB 143	SB 177	SB 209/261	SCR 3		
Introduced		12/11/96	1/13/97	1/22/97	1/29/97	12/11/96		
Last Amended								
First House	Policy Committee	[Mar 11]	[Mar 11]	[Mar 11]		Feb 18		
	Fiscal Committee	—	—	—				
	Passed House							
Second House	Policy Committee							
	Fiscal Committee	—	—	—				
	Passed House							
Concurrence								
Governor	Received						—	
	Approved						—	
Chaptered by Secretary of State	Date							
	Chapter #							

• Unless otherwise noted, all dates are in 1997

[date]: scheduled

—: not applicable